IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13481 of 1993

For Approval and Signature:

HON'BLE MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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BALDEVBHAI UKAJI

Versus

SECRETARY

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Appearance:

1. Special Civil Application No. 13481 of 1993

MR BP TANNA for Petitioner No. 1 - Absent

MR SP HASURKAR, AGP for Respondent No. 1-2

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CORAM : HON'BLE MR.JUSTICE R.K.ABICHANDANI

Date of decision: 24/09/2004

ORAL JUDGEMENT

#. The petitioner challenges the order dated 12th August, 1983 of the State Government, rejecting the petitioner's revision application and confirming the

order of the Collector, dated 4.2.'91, by which the order of the City Deputy Collector, dated 23.1.'87 under which it was held that the land in dispute was old tenure land, was set aside.

#. It is evident from the impugned decision that, revisional authority found on the basis of the earlier entries and the village record that the land was of new tenure since 1940-41. In para-5 of its order, the Tribunal has referred to the material in the form of revision survey, village record and the earlier order of the Deputy Collector dated 10.12.1979 holding that the land was new tenure land and held that the order of the Deputy Collector, dated 23.1.'87 was rightly set aside by the Collector by his order dated 4th June, 1991.

#. The revisional authority has come to a finding that the land was new tenure land since 1940-41 on the basis of the material on record and in lawful exercise of its jurisdiction warranting no interference with the order by this Court in exercise of its extraordinary power. The petition is, therefore, rejected. Rule is discharged with no order as to costs. Interim relief stands vacated.

[R.K. ABICHANDANI, J.]

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